



**State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY  
WET 2003-05**

April 10, 2003

Clifford Cooper  
321 Fremont Road  
Chester, NH 03036

RE: DES Wetlands File #2002-02007 17 Reed Road, Chester

Dear Mr. Cooper:

On October 28, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Chester Tax Map 009 as Lot 015 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection and follow up review, the following items were documented:

- 1) Approximately 3,000 square feet of fill has been placed in wetlands.
- 2) No permit has been issued for the placement of fill in jurisdiction.
- 3) On October 28, 2002, during the inspection, the violation was pointed out, and restoration measures were explained to Ms. Cooper. I requested that photographs depicting the removal of the fill be submitted to my attention by December 1, 2002.
- 4) On November 25, 2002, I spoke with Ms. Cooper on the phone, who explained that the work was underway.
- 5) On January 2, 2003, DES issued a letter to the Coopers requesting the photographs that depicted the restoration of the site.
- 6) On April 1, 2003, I conducted another inspection of the property and found that the fill had not been removed.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for removing approximately 3,000 square feet of fill and restoring the property to its prior condition. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
  1. Existing conditions, with wetland boundaries; and
  2. Proposed conditions after reestablishing the jurisdictional areas;
- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area);

- d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
2. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.
3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

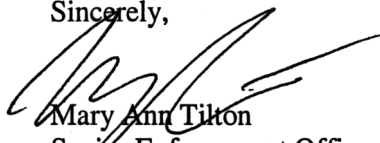
Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Vicki Chase  
Wetlands Bureau  
Department of Environmental Services  
6 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Vicki Chase at (603) 271-4062, [vchase@des.state.nh.us](mailto:vchase@des.state.nh.us) or me at 271-4061, [mtilton@des.state.nh.us](mailto:mtilton@des.state.nh.us).

Sincerely,



Mary Ann Tilton  
Senior Enforcement Officer  
Wetlands Bureau

CERTIFIED MAIL 7002 2410 0001 9158 9418

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen Rule, Administrator, DES Legal Unit ✓  
Chester Conservation Commission  
Chester Board of Selectmen  
David Killoy, USACOE